



Legislative Research Council

RULES REVIEW COMMITTEE AGENDA

Senator Royal "Mac" McCracken, Chair
Representative Jean M. Hunhoff, Vice Chair

Two hundred forty-seventh meeting
Tuesday
April 20, 2004

Room 413
State Capitol
Pierre, South Dakota

Agencies are asked to have a representative present at the meeting to give background information on their rules.

9:00 a.m. Call to order, roll call, approval of minutes, staff report

9:10 a.m. Review of proposed rules

Senator McCracken

Department of Transportation - Repeal a speed zone in Roberts County on SD Highway 15; and prohibit parking along the east side of State Trunk Highway 115 in Sioux Falls north of 12th Street for a distance of 186 feet.

Department of Transportation - Amend speed zones in Brown County, Codington County, Deuel County, Lincoln County, and Roberts County.

Department of Transportation - Amend rules to authorize mowing certain highway rights-of-way and protect pheasant habitat in certain areas.

Department of Transportation - Amend a speed zone in Lake County on SD Highway 34 through the city of Madison; amend rules regarding rear-mounted forklift permits; and clarify responsibilities of business owners with tourist-oriented business signs to notify the Department of Transportation of business closings and to assign responsibility of covering signs of closed businesses to the Department.

Representative Hunhoff

Department of Revenue and Regulation: Commission on Gaming - Adopt a rule to allow a variation of poker known as Silverado Stud poker and Silverado Stud poker bonus.

Senator Bogue

Department of Education: Board of Education - Adopt and amend rules that move the implementation date of a curriculum rule back one year; amend requirements for child evaluators; allow any coursework, renewal or college transcribed, that a teacher completes by January 1, 2004, toward his or her next renewal to be honored; adopt rules for an alternative route to certification specific to the Teach for America program; and adopt rules that define certification for social workers.

Department of Education - Adopt rules to implement the Hagen-Harvey memorial scholarship program.

Department of Education: Board of Education - Amend rules to ensure the requirements of the new bus driver manual are met; change the number of years of experience required for administrators to obtain full certification; adopt rules that define certification for school social workers; and adopt rules for the implementation of the statewide accountability system.

Senator Dennert

Department of Social Services: Office of Medical Services - Adopt a rule that will move a mandated provision of the state Medicaid program from the South Dakota Codified Laws into the Administrative Rules of South Dakota. The provision to be moved relates to protecting the resources of an individual when that individual's spouse enters a long-term care facility. *This rule is adopted under the procedure provided in SDCL 1-36-20. This procedure permits adoption of a federally mandated rule without following the procedures set forth in SDCL 1-26-4 to 1-26-6, inclusive.*

10:40 a.m. Break

Representative Engels

Bureau of Personnel: Law Enforcement Civil Service Commission - Amend rules regarding the civil service system for the S.D. Highway Patrol and Division of Criminal Investigation affecting the minimum requirements and selection process, employee conduct and relations, compensation and classification plans, promotion, transfer and demotion, probationary periods, disciplinary actions and the appeals process.

Department of Environment and Natural Resources: Board of Water and Natural Resources - Amend rules that will allow the Drinking Water and Clean Water State Revolving Fund programs to make loans for interim financing and to broaden the nonpoint source projects that may be funded through the Clean Water State Revolving Fund program.

Department of Labor - Adopt rules regarding seasonal designation for fireworks stands operators, eliminate the denial of benefits to unemployed workers who serve on juries, and allow filing appeals by facsimile.

Secretary of State - Amend rules to clarify wording on voter registration forms, provide parameters for voter registration verification, clarify voter registration and petition deadline notices, require publication of instructions to voters, remove rules relating to punch card ballots, update the municipal nominating and special district formation petitions, and update election forms and procedures to accommodate provisional ballots.

Representative Smidt

Department of Game, Fish and Parks - Amend rules regarding the daily and possession limits for walleye, sauger, or walleye-sauger hybrids in the South Dakota-Minnesota boundary waters; remove the 14" minimum length restriction for walleye, sauger, and walley-sauger hybrids in several bodies of water including Big Stone Lake in Grant and Roberts counties and Hartford Beach Creek within Hartford Beach State Park; add the South Dakota-Minnesota boundary waters to the bodies of water where no more than one walleye, sauger, or walleye-sauger hybrid may be taken daily which is 20" or greater in length; amend the fishing limits for bluegill, sunfish, or combination thereof, and crappie in the South Dakota-Minnesota boundary waters; and permit aerial hunting upon or over certain publicly owned lands under certain circumstances.

Department of Game, Fish and Parks - Amend rules regarding the following hunting seasons: Custer State Park Deer, Custer State Park Bighorn Sheep, Special Custer State Park Antlerless Elk, Archery Antelope, Archery Deer, Archery Elk, Black Hills Elk, Prairie Elk, General Muzzleloading Deer, Black Hills Bighorn Sheep, Pheasant, Grouse, Sage Grouse, Gray Partridge, Quail, and Mourning Dove; amend dog training restrictions on Fort Pierre National Grasslands; increase the daily admission fee for the Fort Sisseton Festival; add camping permit fees at Amsden Dam, increase the cost of the daily camping fee at Fort Sisseton during the Festival, and amend and establish daily equestrian camping permit fees at Bear Butte, Lewis and Clark, Newton Hills, Oakwood Lakes, Pease Creek, Pelican Lake, and Union Grove.

Committee Discussion

SB 112: *An Act to require state agencies promulgating rules pursuant to the Administrative Procedures Act to provide an impact statement on small business.*

12:30 p.m. Adjourn

NOTE: To help agencies estimate when to appear before the committee, the agenda is set assuming a ten-minute presentation per rule. However, actual times may vary.

Members: Senator Royal "Mac" McCracken, Chair; Representative Jean M. Hunhoff, Vice-Chair; Senators Eric H. Bogue and H. Paul Dennert; and Representatives Richard H. Engels and Orville B. Smidt.

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